

REMARKS

Claims 1-3, 5, 7, 10, 11, 13-15, and 17-20 were pending in the Application as of the Office Action of February 24, 2009. Claims 1 and 17 are amended with this Response. Claim 21 is added.. The Examiner's rejections will now be respectfully addressed in turn. An RCE entering this Response is attached herewith.

Rejections under 35 U.S.C. §103(a)

Claims 1-3, 5, 11, 15, and 16-20 have been rejected under 35 U.S.C. §103(a) as being obvious over French Patent No. 2,769,944 to Bernard ("Bernard" hereinafter) in view of Applicant Admitted Prior Art ("AAPA" hereinafter) and United States Patent No. 6,672,630 to Kraeutler ("Kraeutler" hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicant's claim 1 recites *inter alia*,

"side edges of each screen lying in flat continuous contact with the jambs to form an airtight lateral association between each screen and the jambs."

Applicant respectfully asserts that neither Bernard, AAPA, nor Kraeutler, taken alone or in combination, teach side edges of *each screen* lying in *flat continuous contact* with the jambs to *form an airtight lateral association between each screen and the jambs*. As is stated by the Examiner at page 3 of the Office Action, Bernard fails to teach

this element. Accordingly, the Examiner cites AAPA at page 2 lines 32-37 of Applicant's Specification as disclosing the above quoted element. Applicant respectfully disagrees.

Page 2, lines 32-37 of Applicant's Specification recites,

"As in the prior art, this door comprises two jambs, a transverse box joining the top ends of the two jambs, and a curtain moveable between a closed position *in which it closes the opening formed by the jambs and box* and an open position in which it is folded up under the box."

The Examiner concludes from the above "admitted" closing that side edges of a screen "must" lie against jambs. Such a conclusion (in so much as this general conclusion matters in light of the specifics of the quoted claim element) is respectfully erroneous. Page 2, lines 32-37 merely credits the prior art with teaching closure, via a curtain, of an opening formed by vertical jambs and a transverse box. That is, the alleged AAPA states that an opening defined by vertical and transverse structures may be closed via a curtain. Of course, Applicant respectfully concedes that it is well known in the art to close a square opening with a curtain. However, discussion of such knowledge in no way admits any prior art teaching of "side edges of *each screen* lying in *flat continuous contact* with the jambs to *form an airtight lateral association between each screen and the jambs*," as is recited in Applicant's claims, or any other specific manner of closing a squared (or any other shaped) opening.

On the contrary, Applicant first and respectfully points out that closure of a square opening does not necessarily have to occur via side edges of a screen lying against the vertical components (i.e. jambs), as is generally alleged as a "must" by the Examiner. For example, a front/back lateral face of the screen may contact a face of the jambs in a manner that closes the opening, wherein the "side edges of the screen are absent of contact with the jambs or any other structure (vertical or otherwise).

More to the point however, a simple teaching of a squared opening closed via a curtain in no way teaches the particular manner in which Applicant claims the curtain/screen to close an opening. Specific claimed elements such as “side edges of each screen lying in flat continuous contact with the jambs,” and formation of “an airtight lateral association between each screen and the jambs,” is clearly not taught or intended by any alleged AAPA. Certainly, a general description of a squared opening being closed by a curtain cannot be considered inclusive of such specific limitations.

Thus, as Kraeutler is not used by the Examiner to remedy any of the above deficiencies, for at least the reasons set forth above, Applicant respectfully asserts that the proposed combination of Bernard, AAPA, and Kraeutler does not teach every element of Applicant’s claim 1, or claims 2-3, 5, 11, 15, and 16-20 that depend therefrom. Accordingly, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claims 1-3, 5, 11, 15, and 16-20 with respect to the proposed combination of Bernard, AAPA, and Kraeutler. Since the proposed combination of Bernard, AAPA, and Kraeutler fails to teach or suggest all of the limitations of claims 1-3, 5, 11, 15, and 16-20, clearly, one of ordinary skill at the time of Applicant’s invention would not have a motivation to modify or combine the references (**this motivation is particularly absent in view of the fact that Bernard teaches no jambs at all**), or a reasonable likelihood of success in forming the claimed invention by modifying/combining. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Applicant respectfully notes that antecedent basis for the amendment to claim 1 can be found at page 8, lines 32-33 of Applicant’s Specification.

With specific reference to claim 17, and new claim 21, Applicant also respectfully asserts that the proposed combination of Bernard, AAPA, and Kraeutler does not teach ends of each stiffening bar of a pair of bars without spacers to be fitted with a guide endpiece that has a flat part oriented in a plane of the screen in which the bar is located, ***the endpiece being contained within the screen.***

On the contrary, Figure 12 of Kraeutler (which the Examiner uses to teach the non-amended version of the above discussed claim element in claims 17 and 21) teaches a guide piece 46 that is clearly disposed outside of a screen or any other Kraeutler component. For at least this additional reason, Applicant also respectfully asserts that the proposed combination of Bernard, AAPA, and Kraeutler does not teach every element of Applicant's claims 17 and 21.

Claims 7, 9, 10-11, 13-14, and 17-19 (the rejections of 17-19 being repeated) have also been variously rejected under 35 U.S.C. §103(a) as being obvious over Bernard in view of AAPA, Kraeutler, United States Patent No. 5,207,256 to Kraeutler ("Kraeutler '256" hereinafter), and United States Patent No. 6,119,758 to Coenraets ("Coenraets" hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claims 7, 9, 10-11, 13-14, and 17-19 depend from claim 1. As such, for at least the reasons discussed with regards to claims 1 and 17, the proposed combination of Bernard, AAPA, and Kraeutler does not teach every element of Applicant's claims 7, 9, 10-11, 13-14, and 17-19. As neither Kraeutler '256 nor Coenraets remedies the deficiencies of Bernard, AAPA, and Kraeutler, Applicant further and respectfully asserts that any proposed combination of Bernard, AAPA, Kraeutler, Kraeutler '256, and Coenraets does not teach every element of Applicant's claims 7, 9, 10-11, 13-14, and 17-19. Accordingly, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claims 7, 9, 10-11, 13-14, and 17-19 with respect to any proposed combination of Bernard, AAPA, Kraeutler, Kraeutler '256, and Coenraets. Since any proposed combination of Bernard, AAPA, Kraeutler, Kraeutler '256, and Coenraets fails

to teach or suggest all of the limitations of claims 7, 9, 10-11, 13-14, and 17-19, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to modify the reference, or a reasonable likelihood of success in forming the claimed invention by modifying. Thus, here again, it is respectfully submitted that *prima facie* obviousness does not exist. *Id.*

Conclusion

Applicant believes that all of the outstanding objections and rejections have been addressed herein and are now overcome. Entry and consideration hereof and issuance of a Notice of Allowance are respectfully requested.

Applicant hereby petitions for any extension of time under 37 C.F.R. 1.136(a) or 1.136(b) that may be necessary for entry and consideration of the present Reply.

If there are any charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

The Office is invited to contact applicant's attorneys at the below-listed telephone number concerning this Amendment or otherwise regarding the present application.

Respectfully submitted,

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